

ORIGINAL

(81)  
10-7-02  
MPT

27 CW  
THE UNITED STATES DISTRICT COURT  
Middle District of Pennsylvania  
Harrisburg, PA

Yan SHAO

No. 1:00 CV 1901  
(JUDGE Rambo)

Plaintiff,

v.

Edward Cuccia  
Charles Day  
John / Jane Doe  
Law Offices of Ferro & Cuccia

CIVIL ACTION - LAW

Defendants.

FILED  
HARRISBURG, PA

OCT 04 2002

MARY E. D'ANDREA, CLERK  
Per [Signature]  
Deputy Clerk

REQUEST FOR CLARIFICATION OF THE COURT'S SEPT 26 2002 ORDER  
WITH BRIEF INCORPORATED

MAY IT PLEASE THE COURT, the plaintiff respectfully requests the Court clarify the Order filed on Sept 2<sup>6</sup>, 2002, in which the Court has ordered the defendant to respond by October 15 2002 to interrogatories served upon him on September 5, 2002.

STATEMENT OF FACTS

1. On September 5, 2002, counsel for the plaintiff forwarded to Mr. Charles Day a copy of the plaintiff's motion to compel discovery from one P J Day. Appended to the motion was a copy of interrogatories directed to P J Day.


2. On September 23, 2002, counsel for the plaintiff forwarded to Mr. Charles Day a copy of the plaintiff's motion to compel discovery from Mr. Charles Day. Appended to the motion was a copy of interrogatories directed to Mr. Charles Day.

WHEREFORE, because the September 5 2002 mailing to the defendant Mr. Charles Day contains interrogatories directed to another party (P J Day), counsel for the plaintiff respectfully requests the Court indicate whether the September 26 2002 Order is directed to PJ Day or whether the Court is directing the defendant Mr. Charles Day to answer interrogatories sent to him on Sept 23, 2002. The plaintiff of course has no objection if, in its sound discretion, the Court should determine PJ Day or Mr. Charles Day should receive a short extension of time beyond October 15 2002 in which to respond to the interrogatories.

Respectfully submitted,

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Craig T. Trebilcock  
Pa I.D. No. 48344  
Associate Counsel for the Plaintiff  
100 East Market  
PO Box 15012  
York, PA 17405-7012  
717 846-8888



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Richard B. Cook  
Louisiana #21248  
Counsel for the Plaintiff  
17 Jonathan's Court  
PO Box 411  
Hunt Valley, MD  
410 683 9469

**CERTIFICATE OF SERVICE**

Undersigned counsel certifies that on October 1 2002, a copy of the appended Request for Clarification have been served upon the defendant by First Class Mail, postage pre-paid, to the following addresses:

**Address provided by the New York State Court Administrator:**

Charles Day, Esq.  
80-100 Tryon Place  
Jamaica, NY 11432

**Address recently discovered by counsel for the plaintiff, via internet search:**

Charles Day, Esq.  
30 E. Broadway  
New York, NY 10002



Richard B. Cook